

Present: Chairman Brett Hunter, Vice-Chairman John (Jack) Karcz, Members John (Jack) Downing, Andrew Kohlhofer, Roger Barham, Leon Holmes, Alternate Member Tom O'Brien, Building Official Bob Meade, Senior Planner Jenn Rowden, Town Engineer Dan Tatem and Land Use AA/Recording Secretary Casey Wolfe.

Also attending: Andy Galloway, John Galloway, Marty Ferwerda, Gary Merrill, Darlene Olson, Bill Gregsak, and Michael Rislove

This meeting was live broadcast on FCTV channel 22.

Mr. Hunter opened the meeting at 7:01 pm.

I. Minutes

Mr. Downing made a motion to approve the minutes of May 4th, 2016. Mr. Karcz seconded that motion with all in favor.

II. New Business

Previous to this meeting, Santec Consulting Services Representative, Mr. Tatem prepared reports with surety amount estimates for PJP, Inc., Merrill Excavating, Galloway Trucking, Inc., and Governor's Forest. Mr. Tatem took the time to explain how he went about calculating the recommended surety amounts. He explained that the calculation includes all 5 acres that each property owner hypothetically could have open at a time (according to Fremont's excavation ordinance). He also referenced RSA 155E which states that all areas that are not exposed ledge need to be covered in topsoil during reclamation. The Town of Fremont specifically requires 4" of loam to cover all areas being reclaimed. Mr. Tatem then went into more detail about how the calculation was made. Finally, he explained the program he used to determine how many acres each site had open. Using a combination of Grantie XP and Google Earth Pro, Mr. Tatem was able to calculate the amount of open acreage without surveying the land.

There was some discussion about whether or not stockpiles should be included in the reclamation area.

Mr. John Galloway reminded everyone that he does not have a gravel pit – he has a quarry. He did not believe that RSA 155E applied to quarries. Mr. Andy Galloway added that there is already loam on site – loam would not need to be brought to the site for reclamation. Mr. Tatem explained that the point of the surety is to protect the town if the business goes bankrupt. The town cannot rely on loam that is already on site because the business could easily sell that loam to make some cash. Mr. Merrill offered putting some loam off to the side and promised not to sell that loam.

Ms. Rowden reminded the property owners that they can amend their permits so that they can only have less than 4 acres (for example) open at a time – this would bring down their surety amount. Mr. John Galloway spoke up about what he has done for the town in the past. He paved Beede Hill Rd 30 years ago, he put in a drainage pipe after a big storm, yet there has only been

more regulation. He thought there should be some way to lower the bond from what Mr. Tatem recommends. Mr. Tatem reminded the property owners that the town does not take bonds – it only takes letters of credit and cash. Mr. Tatem reminded everyone that a bond is a form of insurance and that the town cannot rely on an insurance company paying out what the bond is worth.

Mr. Barham brought up that idea of implementing some of this in a year's time. Mr. Merrill brought up again his idea of leaving some loam on site specifically for reclamation. Mr. Andy Galloway agreed to this idea and said that someone can check each year to make sure that the loam is still there. Ms. Rowden still believed that it would be easier to simply reduce the amount of acreage that each site was allowed to have open at a time. She also brought up the option of getting a second estimate. Mr. Meade stated that the best thing to ask "is what is fair?" Mr. Kohlhofer said that if the surety is not in place, then the town could get sued.

Mr. Tatem explained again that the principle behind the surety is that the property owners are gone. The estimates that he came up with does not even include management. Also, these estimates are not fees. The landowners will get the money back with interest. Mr. Barham brought up again the idea of doing something gradual. It would give the landowners some time to reevaluate if they want the 5 acres on their permits. Mr. John Galloway asked if his permit could have an extension. Ms. Rowden reminded everyone that an extension would open up the town to liability during the extension time.

Mr. Barham questioned what level the Board wants to implement this. Mr. Holmes stated that the Board does not want to put people out of business. Mr. Barham felt that if the loam is taken out of the equation, the price is reasonable. Perhaps these landowners could get "grandfathered in" and anyone else new to town would have to abide by the full price. Mr. Tatem felt that this was an easy way for the town to get sued. He explained to everyone that the state law requires soil that would sustain vegetation for reclamation. It is Fremont's ordinances that require 4 inches of loam. Mr. Meade suggested out of fairness perhaps the amounts could be cut in half and Mr. Tatem suggested only requiring two inches and taking out the 10% contingency out of the equation. Mr. Rowen explained that they would each need a waiver from the 4 inch requirement. These waiver requests should be in by June 1st. Mr. Tatem said that he would be able to have the new reports available by the end of the week.

The landowners left at 8:35 PM.

Mr. Kohlhofer made a motion that the applicants must pay for a certified mailing to the abutters informing them of the hearing on June 15th. Mr. Barham seconded that motion with all in favor.

Changing the subject, Mr. Tatem brought up that he issued a letter to Seacoast Farms about the tailings. Mr. Meade has also sent Mr. Kelly a letter. There is about 3,700 cubic yards of tailings on the property. Mr. Tatem passed around pictures of these tailings. There is also a pile of stump grindings. The tailings need to be taken off the property perhaps to a landfill facility and the

stump fillings can be used for a boundary. Mr. Kelly is out of compliance. The Board could bond the excess, but the Board should give him 60 – 90 days to comply first. The Board should write a letter to Mr. Kelly inviting him to come in and see the Board. Mr. Holmes brought up that there are already complaints about the number of trucks. Mr. Meade said that Mr. Kelly will ask for permission for more trucks for a certain time of the year. Mr. Kohlhofer pointed out that it is not the town's problem what he does with his tailings. He should have known better. Mr. Tatem had some new information: the "earth berms" are actually just tailings. There was some discussion about what a letter to Mr. Kelly would say. Our concerns were with the tailings, wetland setbacks (perhaps have signs defining wetlands), number of trucks and well monitoring.

Mr. Tatem left at 9:15 PM.

III. Building Inspector's Report

The first thing that Mr. Meade brought up was Scott Suprenant. He is far beyond the home occupancy. He has a tractor trailer and still has a fuel tank on site. Mr. Meade has received two letters of complaint from the neighbors and a signed petition of 17 people. Mr. Suprenant is going to want to change the direction of his driveway in hope that he can operate his business. He plans to meet with the Planning Board to discuss what he needs to do for an application and site plan.

Mr. Meade and Ms. Wolfe updated the Board about the planner in Chester. Ms. Wolfe informed the planner that next time there is a proposed subdivision abutting the town, Fremont will need notice much earlier in the process.

Mr. Meade brought up Mr. Ferwerda's emergency exit. Vehicles should be able to drive right through it though it can be gated – it may need to be repaved. Mr. Ferwerda also put up two light poles which is compliant to his agreement on 2004. Mr. Meade read the agreement.

Mr. Meade also updated the Board about the unauthorized man-made pond on Beede Hill Rd.

IV. CIP ADOPTION

Mr. Hunter open and closed the public hearing at 9:30 PM. Ms. Rowden explained that this was just a kick-off of the CIP project. Mr. Kohlhofer made a motion to approve the CIP and Mr. Karcz seconded that motion with all in favor.

V. OTHER BUSINESS

Adoption of the Energy Chapter of the Master Plan

Mr. Hunter opened and closed the public hearing again. Mr. Barham made a motion to accept the Energy chapter of the master plan. Mr. Hunter seconded that motion with all in favor except Mr. Kohlhofer.

The town has not received any new materials for the Galloway application. Ms. Wolfe will contact him about continuing the application.

The meetings in July will be on July 13th and July 20th.

VI. INCOMING CORRESPONDANCE - none

Mr. O'Brien made a motion to adjourn the meeting at 9:40 PM. Mr. Karcz seconded that motion with all in favor.

Next regular meeting: June 1st, 2016

Action items:

- Ms. Wolfe will call the library and the school to make arrangements for future Planning Board meetings
- Ms. Wolfe will write a letter to Mr. Kelly to invite him in to see the Planning Board
- Someone needs to see what was done last time for Mr. Merrill about the shaker/Screenner and what the attorney concluded and see if it might apply to the blasting Mr. Merrill now proposes.

Respectfully Submitted,

Casey Wolfe
Recording Secretary